

Freedom of Information Act 2000 (Section 51)

Information notice

Date: **8 January 2020**

Public Authority: **Department of Health and Social Care**

Address: **39 Victoria Street
London
SW1H 0EU**

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference FS50888459, for a decision whether a request for information made by the complainant to the Department of Health and Social Care (DHSC) on 23 May 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant submitted the following request to the DHSC on 23 May 2019:

"Can you let me know how many Senior Civil Servants have been disciplined for committing wrongdoings?"

3. On 21 June 2019 the DHSC responded. It refused to comply with the request under section 12 of the FOIA as it considered it would exceed the appropriate cost limit to respond. The DHSC provided advice to refine the request and the complainant made a refined request on 22 July 2019 in the following terms:

"Can you let me know how many Senior Civil Servants have been disciplined for committing wrongdoings in the last 5 years? If this exceeds £600 under section 12(1), can you provide data that will not exceed £600."

4. The DHSC refused the refined request again on the basis of section 12 of the FOIA. The complainant requested an internal review on 5 August 2019. The DHSC sent the outcome of its internal review on 20 September 2019. It upheld its original position.
5. The Commissioner wrote to the DHSC on 8 November 2019 further to the complainant's application under section 50 of the Act.
6. On 19 December 2019 and 6 January 2020 the Commissioner wrote to the DHSC to chase up a response.
7. The DHSC asked for an extension until the end of January 2020 but due to the previous delays the Commissioner considers issuing this Notice to be necessary to ensure the deadlines are met.
8. To date, the Commissioner has not received the DHSC's response to her enquiries dated 21 November 2019.

Information required

9. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the DHSC shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information.
10. A full response to her letter dated 8 November 2019 (a copy of the correspondence is attached).

Failure to comply

11. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

12. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Jill Hulley
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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